

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Maurice Dewar

Docket No. 5:04-CR-144-1H

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Maurice Dewar, who, upon an earlier plea of guilty to Distribution of Cocaine Base, 21 U.S.C. § 841(a)(1) and Possession of a Firearm by a Convicted Felon, 18 U.S.C. § 922(g), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on January 10, 2005, to the custody of the Bureau of Prisons for a term of 96 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Maurice Dewar was released from custody on May 2, 2011, at which time the term of supervised release commenced. On October 13, 2011, the defendant's supervision was transferred to the District of South Carolina. On January 11, 2013, his supervision was transferred back to the Eastern District of North Carolina.

The defendant admitted to daily marijuana use between May 31, 2012, to June 6, 2012. He also admitted to using K2 (synthetic marijuana) from May 30, 2012, to June 6, 2012. A Violation Report was sent to the court on June 14, 2012, requesting that no further action be taken and that the defendant be allowed to participate in outpatient substance abuse treatment. The court concurred.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant tested positive for marijuana on December 12, 2012. He admitted to his probation officer in the District of South Carolina, that he used marijuana on December 3, 2012. As a result of his continued drug use, the probation office is requesting that he be continued in the Surprise Urinalysis Program, individual and/or group substance abuse treatment, and be required to complete 25 hours of community service. Additionally, the probation office is requesting that mental health counseling be added to help the defendant cope with the stress of separating from his wife. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 25 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, the \$200 fee is waived.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

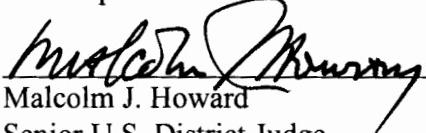
I declare under penalty of perjury that the foregoing is true and correct.

/s/Maurice J. Foy
Maurice J. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: January 14, 2013

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ORDER OF COURT

Considered and ordered this 15th day of January, 2013, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge